

DELEGATION OF AUTHORITY

DATE: 8-15-2017

SAFE DRINKING WATER ACT

9-7A. Part B, Public Water Systems: Findings of Noncompliance,  
Notification, and Technical Assistance

1. PURPOSE AND LEGAL AUTHORITY.

A. Purpose. To redelegate the authorities contained in Delegation 9-7A issued by EPA Headquarters on January 18, 2017.

B. Authority. To perform the following functions relating to enforcement and technical assistance pursuant to the Safe Drinking Water Act (SDWA), Part B:

- a. pursuant to Section 1414(a)(1)(A) of the SDWA, finding that a public water system does not comply with any applicable requirement (as defined in Section 1414(i) of the SDWA) during a period in which a state has primary enforcement responsibility, notifying the primacy state and the public water system of such a finding, and providing advice and technical assistance to the primacy state and public water system as may be appropriate to bring the system into compliance;
- b. pursuant to Section 1414(a)(2) of the SDWA, finding that a public water system does not comply with any applicable requirement during a period in which a state does not have primary enforcement responsibility and notifying an appropriate local elected official, if any, with jurisdiction over the public water system prior to taking enforcement action in the non-primacy state;
- c. pursuant to section 1414(d) of the SDWA, finding that a public water system in a state does not comply with national secondary drinking water regulations within a reasonable time after such secondary regulations have been promulgated and that such noncompliance with secondary drinking water regulations appears to result from a state's failure to take reasonable action to assure that public water systems throughout the state meet such secondary regulations, and notifying the state of such noncompliance; and
- d. pursuant to Section 1414(f) of the SDWA, providing appropriate notice of and holding public hearings for the purpose of gathering information, issuing recommendations to a primacy state and public water system on the basis of such hearings, and making such recommendations available to the public and communications media.

2. TO WHOM REDELEGATED. These authorities are redelegated through the Director, Office of Environmental Stewardship (OES), to the Manager, Technical Enforcement Office, OES.

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3. REDELEGATION AUTHORITY.

A. These authorities may be redelegated to the Section Chief level, or equivalent, and no further.

B. An official who redelegates an authority retains the right to exercise or withdrawn the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

4. LIMITATIONS.

A. The Manager, Technical Enforcement Office, OES, or his/her designee shall consult with the Manager, Legal Enforcement Office, OES, or his/her designee, before exercising authorities 1.B.a. and 1.B.c., before making a finding of noncompliance under authority 1.B.b., and before issuing recommendations under authority 1.B.d.

B. The Manager, Legal Enforcement Office, OES, or his/her designee shall consult the Regional Counsel, or his/her designee, on significant counseling issues.

C. This authority may not be redelegated without the concurrence of the Regional Directives Officer, Human Resources Office, Office of Administration and Resource Management.

D. The Assistant Administrator (AA) for the Office of Enforcement and Compliance Assurance (OECA) may exercise these authorities in multiregional cases and cases of national significance and must notify the appropriate Regional Administrators when exercising these authorities.

5. ADDITIONAL REFERENCES.


A. 40 CFR Parts 141 and 142.

B. Guidance on PWS Administrative Order Procedures.

6. SUPERSESSON. Region I Delegation of Authority 9-7-A, dated August 5, 2009.



Deborah A. Szaro  
Acting Regional Administrator

  
Susan Studlien, Director  
Office of Environmental Stewardship

8/15/17  
Date

08/14/2017  
Date